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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT RAMESES,

12 Petitioner,

2:04-cv-1173-GEB-GGH-P

13 vs.

14 SCOTT KERNAN, Warden,

15 Respondent.

ORDER

16 _____/
17 On March 31, 2008, this court denied petitioner's application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254 in its entirety, and judgment was thereon entered.
19 Thereafter, petitioner filed a motion, which the court construes as a motion pursuant to
20 Fed. R. Civ. P. 60(b), asking that the court reconsider the facts of his case.

21 Under Rule 60(b), a party may seek relief from judgment and to re-open his case
22 in limited circumstances, "including fraud, mistake, and newly discovered evidence."
23 Gonzalez v. Crosby, 545 U.S. 524, 528, 125 S. Ct. 2641, 2645-46 (2005). Rule 60(b) provides in
24 relevant part:

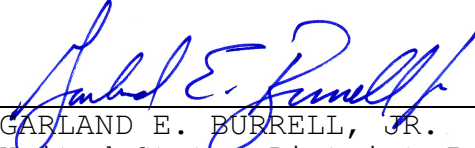
25 On motion and upon such terms as are just, the court may relieve a
26 party ... from a final judgment, order, or proceeding for the
following reasons: (1) mistake, inadvertence, surprise, or excusable

1 neglect; (2) newly discovered evidence which by due diligence
2 could not have been discovered in time to move for a new trial
3 under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct of
4 an adverse party; (4) the judgment is void; (5) the judgment has
5 been satisfied, released, or discharged, or a prior judgment upon
6 which it is based has been reversed or otherwise vacated, or it is no
longer equitable that the judgment should have prospective
application; or (6) any other reason justifying relief from the
operation of the judgment. The motion shall be made within a
reasonable time, and for reasons (1), (2), and (3) not more than one
year after the judgment, order, or proceeding was entered or taken.

7 The court has reviewed petitioner's motion and finds that petitioner has added
8 nothing new or substantive that was not previously before the undersigned, nor does he
9 demonstrate any basis for the court to find that the judgment was mistaken. Instead, petitioner
10 simply seeks to rehash arguments that the undersigned has already considered. Thus, petitioner's
11 motion, including the supplement to his motion, will be denied.

12 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for relief from
13 judgment and his supplement to the motion, filed on April 8, 2008 (Docket # 71) and on
14 April 22, 2008 (Docket # 72), respectively, are denied.

15 Dated: December 8, 2008

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18 GARLAND E. BURRELL, JR.
United States District Judge
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